



# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:  
Commissioner for Patents  
Box RCE  
Washington, DC 20231

Application Number	08/950,542
Filing Date	October 15, 1997
First Named Inventor	Bachovchin, et al.
Art Unit	1653
Examiner Name	Lukton, D.
Attorney Docket Number	2002941-0051

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

RECEIVED

OCT 15 2002

TECH CENTER 1600/2900

1. **Submission required under 37 CFR 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☒ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☒ Other Remarks

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months. Fee under 37 CFR 1.17(i) **required**)
- b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1721
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 370.00 (filing fee) and 720.00 (extension fee) enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	C. Hunter Baker	Registration No. (Attorney/Agent)	46,533
Signature		Date	October 7, 2002

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an

Signature



ATTORNEY'S DOCKET NUMBER: 2002941-0051

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bachovchin *et al.* Examiner: Lukton, D.  
Serial No.: 08/950,542 Art Unit: 1653  
Filed: October 15, 1997  
For: INHIBITORS OF DIPEPTIDYL-AMINOPEPTIDASE TYPE IV

Assistant Commissioner for Patents  
Washington, D.C. 20231

RECEIVED

OCT 15 2002

TECH CENTER 1600/2900

Sir:

The following Remarks and accompanying Declaration under 37 C.F.R. § 1.132 are submitted herewith in conjunction with a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114. A Notice of Appeal under 37 C.F.R. § 1.191 was filed in this case on April 25, 2002. An Advisory Action mailed August 13, 2002, stated that the Applicant's arguments in the Response filed April 25, 2002, were only found persuasive in part and did not place the application in condition for allowance. The deadline for filing an Appeal Brief was June 25, 2002. A four-month extension of time from June 25, 2002, up to and including October 25, 2002, is hereby respectfully requested in order to keep the present Application pending, and a check for such an extension is enclosed. Applicant respectfully requests that the Request for Continued Examination be granted and that the following Remarks and accompanying Declaration be considered.

Remarks

Claims 35, 36, 39-43, and 46-51 are pending in the application and stand rejected. For the convenience of the Examiner, a copy of the pending claims as they stand now in the U.S. Patent and Trademark Office are included herewith as Appendix A. Applicant respectfully requests reexamination and reconsideration of the case in light of the Declaration submitted